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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,) No. CR-10-00562 JF
9 Plaintiff,) **~~{PROPOSED}~~ ORDER**
10 v.) **RESCHEDULING STATUS**
11 THOMAS O'MEARA,) **CONFERENCE AND**
12) **EXCLUDING TIME FROM THE**
13 Defendant.) **SPEEDY TRIAL ACT**
14) **[18 U.S.C. § 3161(h)(8)(A)]**

15 This matter is currently set for status on April 28, 2011. The parties now
16 jointly request that the April 28, 2011 hearing date be reset to May 26, 2011 to
17 allow the U.S. Attorney to produce and defense counsel to review additional
18 discovery in the case. The parties agree, and the Court finds and holds as
19 follows:

- 20 1. The currently scheduled April 28, 2011 hearing date is hereby
21 vacated.
- 22 2. This matter is set for status on May 26, 2011 at 9:00 a.m.
- 23 3. The time between April 28, 2011 and May 26, 2011 is excluded
24 under the Speedy Trial Act. The parties agree that the failure to grant the
25 requested continuance would unreasonable deny defense counsel reasonable

1 time necessary for effective preparation, taking into account the exercise of due
2 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of
3 justice are served by granting the continuance outweigh the best interest of the
4 public and the defendant in a speedy trial and in the prompt disposition of
5 criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 4/20/2011

/s/

8 Jeane DeKolver
Attorney for Tom O'Meara

10 DATED: 4/20/2011

/s/

11 Joseph Fazioli
Assistant United States Attorney

13 IT IS SO ORDERED.

15 DATED: 4/26/11

14 
16 Jeremy Fogel
United States District Judge